

Hoffa returns defeated officials to power

Local 639 Members Take On Election Fraud and Trusteeship

In an unprecedented move, James Hoffa has used an emergency trusteeship to restore defeated officials to local union office to protect a political ally.

Benefiting from Hoffa's actions is John Steger, a trustee on the General Executive Board and the former Secretary-Treasurer of the 10,000-member Local 639 in Washington, D.C.

Local 639 members have responded angrily to Hoffa's July 26 announcement that their local would be placed in trusteeship and that Steger and the losers of the 2003 election would be returned to office until a revote is held.

When the members voted for a new leadership team—the Members United Slate—last November, the incumbents ran the election and the count. They set the rules. They controlled the printing and counting of the ballots. They hired the man who ran the count. The ballots and the tally sheets were sealed into a box, which was then under the control of Steger.

But 18 days later, when representatives of the IBT came to review challenged ballots and finalize the results, the box had been tampered with!

When the ballots were examined, the tally sheets had mysteriously disappeared and the results had mysteri-

ously changed, so that now the defeated incumbents had the most votes.

Hoffa Rewards Ballot Tampering

Who tampered with the ballots? The defeated incumbents, who had access and motive, were responsible for securing the ballots.

Joint Council 55 ruled that the original results should stand—confirming the victory by Members United. The Department of Labor reviewed the situation also, and came to the same conclusion.

Hoffa's trusteeship put the officials who tampered with the ballots back in office. But Hoffa's "Vote 'til you get it right" tactics appear to be backfiring.

"Members are fed up with this garbage," said Randy Roberts, a UPS steward. "We voted for the Members United Slate. We're happy with the job they're doing. We don't want another election. If we have to vote again, members will vote the same way."

Members Demand Democracy

A Restore Democracy Now petition is sweeping through the local and the winners of the original election, the Members United Slate, are taking legal action to fight for a quick vote conducted by an independent monitor.

"Our goal from the beginning has been to work with Local 639 members to win better representation and better contracts," said Tommy Ratliff who was elected President on the Members United Slate. "We will not be deterred from that goal. We will push to overcome this roadblock as quickly as possible. And we will win a rerun election if that's what it comes to."

Hoffa's actions have been criticized by Chris Silvera, head of the Teamsters National Black Caucus who questioned why Hoffa overturned a vote when the results were unassailable.

"The ballots were counted three times with all observers present," Silvera wrote in a letter to Hoffa. "There was no protest regarding the

ballot count. The tally sheets were signed by the appropriate representative(s) from each slate. The incumbents had the responsibility to protect and safeguard the election box and all materials."

Hoffa Under Fire

Steger and the losing officers have been maneuvering since November 2003 to overturn the membership vote. Their appeal to the Joint Council was rejected unanimously. When the U.S. Department of Labor also refused to order an election rerun, Steger turned to Hoffa for a political favor.

Steger has served as a trustee on the General Executive Board since 1999, and ran with Hoffa in his unsuccessful 1996 bid for General President.

Hoffa has recently come under heavy criticism for covering for other political allies who have violated members' rights. His multi-million dollar anti-corruption plan, Project RISE, collapsed in April after its entire staff resigned, saying that Hoffa was protecting corrupt officials and organized crime associates.

"This kind of favoritism and disregard for membership rights is astounding," Local 96 President and Joint Council 55 board member Bill Gibson said. "The International Union should be above reproach and be defending the interests of all members, not bending to the selfish demands of close friends and allies."



Also in this issue

Coke Strike: Solidarity and Sellout in San Diego.....p3

Pension Movement Wins on UPS Reciprocity.....p9

Corruption and the Murder of

"I love my union and I want it to be stronger. I want to know my rights and I want other Teamsters to develop as leaders too.

"That's why I've joined TDU and why I'll be at this year's TDU Convention in Cleveland.

"Do you love your union? Join TDU today!"

Toni Jackson, UPS
Local 667, Memphis



JOIN TDU

TDU MEMBERSHIP APPLICATION

Name _____ Local _____

Address _____

City _____ State _____ ZIP _____

Phone _____ Company _____

E-mail _____

☐ City ☐ Road ☐ Dock ☐ Clerical ☐ Warehouse ☐ Construction ☐ Production

Other _____

____ \$40 one-year membership & subscription to *Convoy Dispatch*

____ \$95 three-year membership fee

____ \$25 for spouses, and Teamsters who gross less than \$22,000 a year

____ \$25 for retirees. Retired from Local _____

☐ Check or money order

Mastercard/Visa # _____ Exp. Date _____

Date _____ Signature _____

Return to: TDU, P.O. Box 10128, Detroit, Mich. 48210

TDU membership is kept confidential. TDU solicits and accepts membership applications and donations only from Teamsters, retired Teamsters and spouses who are not employers. Only funds from Teamster members and their spouses can be used for campaign purposes.

Letters From Our Members

Oppose Two-Tier Contracts

I urge TDU to oppose two-tier prospective concessions in Teamster contracts like the casual and new hire language in the NMFA. Not just in the Teamsters but throughout the labor movement, these types of concessions are creating a group of new union members who do not support their own unions because they see themselves doing the same work as their more senior coworkers and being paid less. They feel that their dues are extortion, and do not feel that they are part of their unions.

Daniel Sternbach
Retired, Local 443
New Haven, Conn.

Letter to Hoffa Against the Pension Cuts

I listen to truck drivers talk. I've been listening for 25 years. At a time when the union needs members and the freight companies need drivers, a pension cut was the worst thing that could have happened. The cuts are driving workers away from both the union and trucking.

A neighbor who worked for Conway quit after 11 years due to working conditions. He intended to apply for a "better union job," but heard about the pension cuts and working conditions at the union company and left trucking all together. He is 30 years old.

This is our job description:

You work 6 days per week, up to 14 hours per day—16 if needed. You suffer from lack of sleep as the hours are irregular and we will wake you up 8 hours from the time you punch the time clock (not from when you reach the motel, 45 minutes or so later), so you have to fall asleep fast, even though you're still vibrating from the truck.

The drivers over 50 years old cannot keep doing this. Let them retire. They've paid the price. They have no life. They've ruined their health. If the pension is not restored, these retirees will have to seek other jobs. On top of that, they will have to fight the union for the

2004 TDU Convention October 22-24, Cleveland

"I come to the TDU Convention to meet other Teamster activists. It helps me remember I'm not alone in the fight."

"Every time I go to the Convention, I get new ideas and education. Plus, I get to see new and old TDU members who are still fighting for the cause."

Dan Kane, UPS,
Local 63, Los Angeles



right to work those jobs. They know what the trustees' salaries are. They talk to truck drivers in the East whose pensions weren't cut. They are angry.

Because you've allowed so many changes of operation, many drivers have lost their savings starting over again. We could have had a house paid off if we didn't have to keep moving. We have spent our savings chasing this job around the country in order to get the pension. The pension that used to be enough to survive on. Now it won't pay the bills, let alone the health insurance.

Still listening,

M. Dappen

A truck driver's wife

Remote Control Rail Operations and Worker Safety

As a UTU-represented locomotive engineer and local chairman for the United Transportation Union, I must take issue with your claim of the UTU "undercutting" the Brotherhood of Locomotive Engineers and Trainmen (BLET) on the issue of remote control rail operations [Convoy #219, *Union Loses Costly Lawsuit*].

It was awarded fairly in court according to the guidelines of the Railway Labor Act and indeed, what switchmen are now doing is what was historically their craft; they are passing signals to an engine with a computer rather than an engineer, however.

As far as safety is concerned, the Federal Railroad Administration is of the opinion that Remote Control Operator

technology is safe railroading. I am no fan of RCO and wish that it was gone, but the carriers wanted it and the UTU got the best deal it could under the circumstances for its membership of conductors, brakemen, switchmen, engineers and yardmasters.

Faternally,

Todd Kester, UTU 845 Local
Chairman, Seattle, Washington

Convoy-Dispatch replies: Remote Control Technology raises serious safety and job-elimination concerns; rail unions need to unite to prevent its spread.

Workers, Labor Can Beat Wal-Mart

For years both the Teamsters and the UFCW have targeted Wal-Mart for its abusive policies, low wages, poor benefits and violation of labor laws.

Without sacrifices by brave and selfless Wal-Mart employees, who have faced abuses or blown a whistle on violations of labor law and/or federal and state wage and hour laws, little would now be changing.

Their ongoing efforts are now being rewarded by victory after victory in long standing legal actions.

It's important to remember that labor still matters. American Labor can still force issues for corporate reform both from within and from the streets.

Glenn Cisco, SuperValu
Local 313, Tacoma, Wash.

TDU International Steering Committee

CoChairs:

Joe Fahey, Watsonville, Calif., Local 912
Maria Martinez, Pasco, Wash., Local 556
Michael Ruscigno, New York Local 802
Michael Savvoir, Kansas City, Mo., Local 41

Organizer:

Ken Paff, Detroit

Trustees:

Willie Hardy, Memphis Local 667
Erik Jensen, Minneapolis Local 320
Matt Latzo, Baltimore Local 311

Members:

John DePietro, Syracuse, N.Y., Local 317
Jona Fleurimont, New York City Local 854
Frank Halstead, Los Angeles Local 572
Jim Jacob, Providence, R.I. Local 251
Roy Kruchten, Chicago Local 705
Sandy Pope, New York City Local 805
Dawn Stanger, Vermont Local 597

Alternates:

Larry Macdonald, Atlanta Local 728
K.W. Phillips, Memphis Local 667
Bill Sercombe, Jackson, Mich., Local 164

Who We Are

CONVOY DISPATCH is the voice of Teamsters for a Democratic Union. We are the united rank and file movement to reform the Teamsters, created out of the merger of PROD and TDU.

We are truck drivers, dock workers, production workers—every kind of Teamster, and spouses, too.

We are a grassroots organization with chapters from coast to coast in the USA and Canada. We believe in returning this union to the membership and we are doing it. We are a democratic organization in which every member has a voice and vote. Our 15-member International Steering Committee was elected in October 2003 for one year. Our Rank & File Convention had 300 representatives present.

We are proud Teamsters standing up for our rights. TDU invites all Teamsters interested in defending our contracts and reforming our union to join us. We do reserve the right to exclude those who are opposed to TDU and its principles.

Rank & File Bill of Rights

I. DEMOCRATIC BYLAWS. All business agents and stewards should be elected. Vacancies in office should be filled by special election within three months. Local union committees should be elected. Contract and strike votes should be by majority (not two-thirds). All contracts should provide for elected officers retaining company seniority.

II. DIRECT ELECTION OF OFFICERS. General President and all International officers should be elected by the membership. International VPs elected by regions. An end to trusteeships and splitoff locals.

III. A FAIR GRIEVANCE PROCEDURE. Innocent until proven guilty, right to remain on the job until final procedure completed. Grievance procedure should include right to a speedy trial, arbitration by peers, and the right to strike if necessary.

IV. PRESERVATION OF WORKING CONDITIONS. The union's purpose is to expand and preserve what we have, not trade it away for anything less. People come first, not productivity.

V. SAFETY AND HEALTH. We have the right to enter the workplace without fear for our health and leave in the same condition we arrive. Teamsters should have the right, backed up by our union, to refuse unsafe work or hazardous conditions. We are not machinery.

VI. EIGHT-HOUR DAY AND FIVE-DAY WEEK. Forced overtime and unfair dispatch rules destroy our family life and cost us jobs. No mandatory overtime, "flexible" work weeks, or 70-hour slavery. We are for the advent of the four-day work week. We work to live, not live to work!

VII. A DECENT PENSION. Every dollar in the pension funds belongs to us. We are entitled to 25-and-out, cost of living on pensions, and union pension trustees elected by the rank and file and retirees to safeguard our money.

VIII. JUST SALARIES FOR OFFICERS. A union officer can't understand the problems of members who make less than half what he makes. No officer should make more than the highest paid working members in his jurisdiction. No multiple salaries from union, company, or government sources, or special fringes and pensions. Salary increases limited to the average increase for membership, and subject to membership approval.

IX. EQUALITY AMONG TEAMSTERS. Bring all wage levels up to the highest standards, not a lot for the few and little for the many. Fight the hardest for the lowest paid.

X. END TO DISCRIMINATION. Employers have used the differences in age, race and sex to divide us for decades. We oppose these injustices and divisions. Support affirmative action to correct past injustices. Employers should bear the cost of their past discrimination, not the members.

How to Contact TDU

We want to hear from you. Contact us at the addresses below for more information about TDU, or to send us articles or letters

National Office: P.O. Box 10128, Detroit, Mich., 48210. Phone: (313) 842-2600. Fax: (313) 842-0227. E-mail: tdudetroit@tdu.org Website: www.tdu.org

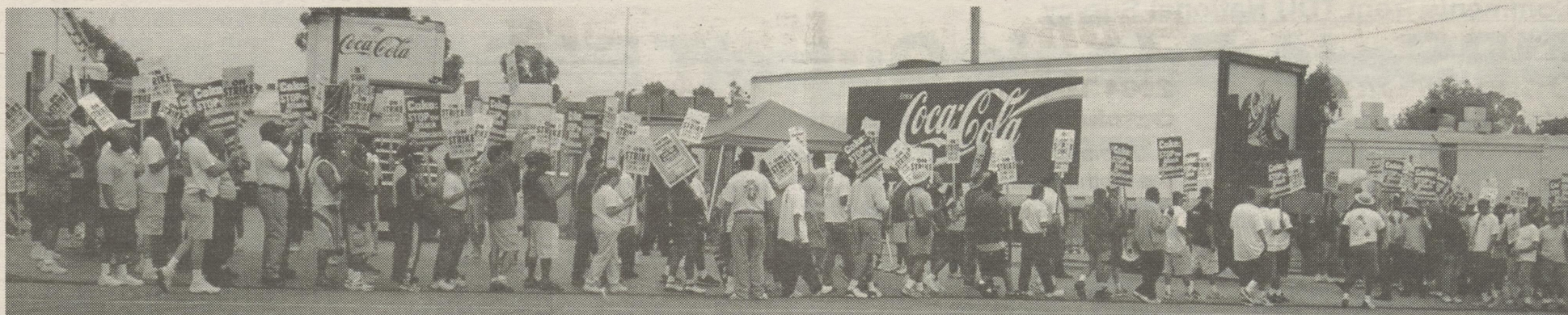
NY Office: 104 Montgomery St., Brooklyn, N.Y. 11225 Phone: (718) 287-3283. Fax: (718) 287-3287. E-mail: tdueast@tdu.org

E-Mail Your Letter

Either visit our web page at www.tdu.org and use the link provided there, or e-mail your letter to letters@tdu.org.



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San Diego Coca-Cola Strike

Local Solidarity, International Sell Out

**Mike Lynch, Coca-Cola Driver
Local 683, San Diego**

The largest Teamster strike in the country ended on August 9, after a three-week battle against the world's largest, most profitable bottling company, Coca-Cola Enterprises.

We made some good gains. We rejected three "final offers." We stopped some of the worst concessions Coke tried to stick us with, and we built some real Teamster solidarity here.

Our goal was to defeat Coke's concessions and win parity with Los Angeles. But in the end the leadership of the Joint Council and the International made it impossible for us to win.

The International Rep who flew in to sell us Coke's offer told us the only issue was health care concessions. That was a big issue for sure, but not the only one. We needed real wage increases, we needed parity with Los Angeles Coke Teamsters. Here in San Diego we have close to the highest cost of living in the nation: a starter house in this area costs

\$500,000 or more.

San Diego is not a strong union town. But in our strike 500 Local 683 members—including our bargaining committee of five good rank and filers—stood solid and fought to win. I'm proud of our members and our bargaining committee.

We knew that to win, we'd have to expand our fight. We sent strikers to Northern California and to Minneapolis to gain support among the 15,000 Teamsters that work for Coca-Cola Enterprises. The International put the stop on that program quick; they ordered the strikers to go back to San Diego.

Our secretary treasurer told us that we were on our own and that we might as well accept the company's concessionary offer. But members voted it down again by 95 percent. After that demonstration of unity, we turned to the International Union again for help.

We asked International Vice President Jim Santangelo to meet with us so we could ask for his support to extend picket lines to Los Angeles and other southern

California locations. The LA contract comes up next April. United action could have won strong contracts for Coke drivers in both San Diego and LA.

Santangelo could have been a hero to us, but instead he told us the International wouldn't back us and neither would the Joint Council. Almost the first words out of his mouth, as he faced hundreds of striking Teamsters, were "You wouldn't even be here if I wasn't here."

He said we weren't doing enough to warrant his support; between the lines he told us we would get no support from him. And that's just what we got.

Santangelo did what Coke management couldn't do: he convinced united Teamsters that we were alone and we couldn't win.

The International didn't leave us completely on our own. They sent a sales pitch artist named Chip Roth. Roth was Hoffa's campaign spokesman, and now is an International Rep for the Brewery and Soft Drink Conference of Teamsters. He came to town to pull down our pickets

and get us to accept the same offer we rejected by 296-12 a week earlier.

Roth told us how lucky we are, because we will "only" be forced to pay 14 percent of our health care premiums, when some other CCE Teamster took worse concessions and will pay up to 25 or even 30 percent. He told us a five-year contract is a great idea. He neglected to mention that we were fighting to keep up with the cost of living. Our bargaining committee sat in disappointed silence as this salesman did his well-rehearsed act.

Good things came out of this strike. We found out that us mellow San Diego guys are true Teamsters that can stand together in solidarity. We learned that we can't rely on the International Union's leaders. Some of us found out there is a movement for change in the Teamsters Union, called TDU, and that gives us hope for the future.

We need a change. We need a union leadership that has a strategy to take on corporations like Coca Cola Enterprises, and win.

Policy Change Punishes Pregnant Women

Mad Moms Fight Back at UPS

Teamster Local 554 member Sarah Miles, the daughter of another Nebraska UPS Teamster Jeff Benson, found out what UPS management thinks of its pregnant workers. Put on a weight restriction by her doctor, Sarah was told by UPS that no light-duty work was available, and that she did not qualify for Family Medical Leave.

And Sarah isn't the only one. When North Carolina UPS driver Nichele Fulmore was told by her doctor that she could not lift more than 20 pounds during her pregnancy, she assumed that UPS would make accommodations so that she could continue working, as they had done for others in the past at her center.

But UPS said they would not provide light duty work. So Nichele found herself out of work, and after 26 weeks on disability, out of health benefits, with three months to go until her due date.

These are not isolated incidents. UPS is imposing a company-wide policy change that denies pregnant woman with health restrictions the right to perform

alternate duties. In the process, UPS management is denying women access to medical benefits (which run out after six months on disability leave) and, frequently, the right to use their Family Medical Leave (FMLA) benefits.

FMLA lets employers deny benefits to workers if they have fewer than 1,250 hours worked in the previous year. The majority of UPS's workforce is part-time. That means that many women who are planning to use their FMLA benefits after the birth of their child may come up short on hours if they are refused the right to keep working during their pregnancy.

In the past, UPS generally provided light-duty work to pregnant employees with work restrictions. This practice was written into the union contract in 1997. But now UPS claims that they only have to honor the contract in states that have their own laws regarding pregnancy and light-duty work. It's a good deal for them: the only state known to have such a law is California.

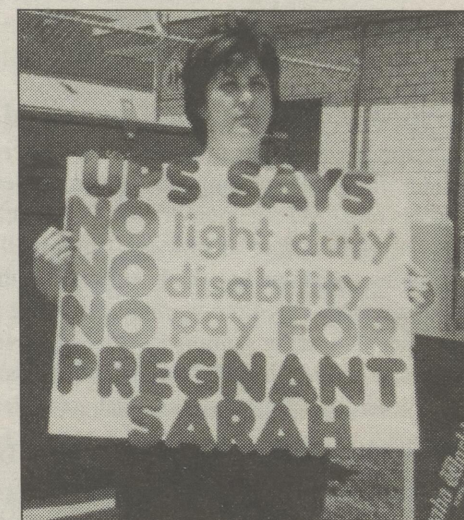
The IBT has refused to fight over the

issue, claiming that a bad arbitration decision makes it a done deal.

But members and families see it differently, and aren't ready to give up. Last month, Sarah Miles' mother Susan Benson conducted a one-person picket in front of UPS in Omaha, Nebraska, and got noticed by UPS management in the process. She went back the next week—this time after notifying the media. Management really started paying attention.

"They just ticked me off," Benson said. "You don't take a young woman who's worked hard for you for three years, and kick her into the street with no pay and no insurance because she's pregnant. My husband works for UPS, and we've had to deal with them for 24 years on insurance issues. Now they're hurting my daughter."

Getting management's attention is one thing, getting this issue resolved is another. Pressure needs to be brought to bear on management, through the union and the public. UPS's actions need to be



Susan Benson protests pregnancy discrimination at UPS.

brought out in the open.

To make that happen, we need to gather information. If you have been affected by UPS's policy or know of other pregnant UPS Teamsters who have been, please contact TDU.

Comments from TDU National Survey

UPSers Speak Out on PAS and EDD

TDU is conducting a national survey of UPSers on a range of topics and issues. A preliminary review of the surveys reveals that members have strong feelings about the new Smart Label program.

The most common observation is that UPS management is unwilling to listen to the very people who can tell them the most about how to make the system work: the package car drivers and pre-loaders who work under it.

"We were told drivers would give input when loops were to be changed," one member said. "This was nothing but a lie. We also were told we could give supervisors input after EDD started so they could straighten out the loops."

Another survey respondent observed, "There is no human decision-making process involved whatsoever. Driver input is ignored."

A key problem management is ignoring is the need for preload to have enough time and personnel to get the job done.

"Preloaders now load four, five and sometimes six vehicles (including a P60)" one member wrote. "We are expected to load over 800, 900, or 1000 packages daily. With that many packages and walking that far between package cars, it is very hard on the pre-loaders."

"Anyone with a brain can figure out that by giving people more work to do they will take longer to get the work done," said another Teamster. "Loading 4-5 trucks is the dumbest thing to do and the company refuses to add one more loader to get the work done on time and get the package cars out the door."

How is UPS's smart label system affecting Teamsters in your center? Let us know and help TDU's UPS network gather the information members need to deal with the system.

UPSers Speak Out on Smart Label

■ "This might be a good system if UPS would put the money and the time into it to get it right. But I think UPS will do the same as they did with the loop system: halfway do it and leave us with less time to do more work."

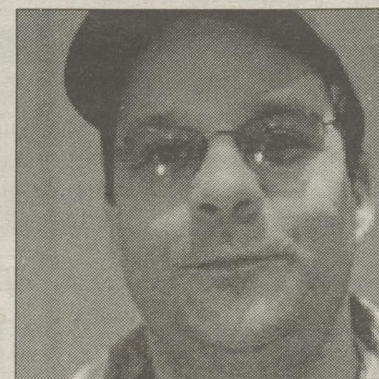
■ "The biggest problem is management tries to throw this down your throat with no training and they say how great it works somewhere else."

■ "Lack of knowledge required makes it easier for UPS to deal with a strike threat."

■ "The loads aren't stable and safe. Stop counts have increased too much with new system. Safe work methods are being drastically pushed because of too many stops and unbalanced loads."

■ "If management would listen to drivers, this system would be very useful to us."

For a copy of the UPS Survey contact the TDU office, or go to www.tdu.org to fill out the survey on-line.



"If the IBT elections were held today the Hoffa administration would suffer a dramatic loss."

"I want to be part of the movement that will fight to throw Hoffa and his cronies out of office in 2006. The TDU Convention is where plans will be set in motion to save our union."

"It is also a terrific gathering of Teamster members, coming together to share ideas and strategies on how to defend our contracts and conditions."

"Please join me at the TDU Convention on October 22-24."

John DePietro, UPS
Local 317, Syracuse, N.Y.

UPSers to Share Strategies at TDU Convention

Join UPS members, stewards and local officers at the TDU Convention for workshops, meetings and strategy sessions.

► **Discuss Smart Label** and the sweeping changes and problems that have come along with its implementation—and what we can do about it.

► **Share contract enforcement**

strategies. We'll talk about what works, what doesn't and what impact the 2002 contract has had.

► **Look to the future** and what it holds for UPS Teamsters in light of the growth of Supply Side Solutions, UPS Logistics and other corporate strategies.

UPSPAC and the Attack on Working Families

In June UPS management began soliciting working Teamsters for donations to its giant political action fund, UPSPAC.

Before thinking of donating to UPSPAC Teamsters should know that UPS political action goes far beyond its program to capture more work from competitors.

Here are a few examples of UPS man-

agement's anti-worker political agenda:

Lobbying to Destroy Good Benefits

UPS has lobbied aggressively for legislation that would destroy multi-employer pension plans. UPS's proposal, the Multi-Employer Pension Security Act of 2003 (S 1492), would in effect gut multi-employer plans by mandating the partitioning of contributions by employer. And in 2004 they lobbied for provisions in another pension bill, the Pension Funding Equity Act, that could freeze Central States pension cuts in place for another two years.

Attacking Safety Protections

UPS worked to defeat the OSHA Ergonomic Standard. This new regulation would have protected the tens of thousands of UPS workers who have suffered (and will suffer) debilitating repetitive strain injuries to their wrists, shoulders, backs and legs.

Backing Corporate Lobbyists

UPS also sends large sums of PAC money to pro-corporate, anti-worker, anti-environment groups like Citizens for a Sound Economy (CSE). A report by Public Citizen titled "Corporate Shill Enterprise" states, "While CSE purports to be a grassroots voice of consumers, it is, more accurately, a front for corporate lobbying interests..."



UPS management wants working Teamsters to help fund UPSPAC's attacks on workers' rights on Capitol Hill and around the globe.

Undermining Rights Across the Globe

UPS is a major supporter of the anti-labor World Trade Organization (WTO) which lowers worker and consumer protections across the globe in the name of "free trade." UPS paid between \$150,000 and \$250,000 to be a "diamond-level" supporter of the WTO host committee in Seattle in 1999.

These examples make up just part of the UPSPAC story. What else will top management do with your hard-earned dollars if you donate them to UPSPAC?

UPS should reveal all of their political action activities. UPS workers should be wary of donating to efforts that will in the end undermine the economic well-being of working families.

UPS & Downs

Dropped Trailers and Unmarked Over-70s

One source of the many unlabeled over-70 pound packages in the UPS system are the trailers that are dropped with and filled by shippers. As one steward in the West points out: "Management tries to blame fellow Teamsters for not making sure they're marked at the time of pick-up. But we all know when UPS puts trailers at business shipping areas and has the business load them, the proper procedures aren't necessarily followed. Part-time workers are being put at risk during sort operations. A major shipper that never complies with UPS over-70 lb. rules is Pottery Barn. They have oversize packages that weigh over 100 lbs. and they are never marked. We have even had several packages come in that are over the 150 lb. limit and we don't touch them."

New Disability Language Kicks In

On August 1, UPS must start providing long-term disability coverage of up to five years duration. The contract language appears in Article 34, Section 1(j). Full-time employees with at least six months seniority are eligible for payments of 60 percent of their pay, with a maximum payout of \$500 per week. The disability pay is for non-occupational injuries or illnesses that last longer than 26 weeks. The contract states that the long-term coverage applies to employees disabled after August 1, 2004. It also states that pre-existing conditions will not affect eligibility. A possible shortcoming is that many of the conditions that apply to eligibility (definition of disability and so on) are set out in the Summary Plan Description of the health plan and will be subject to any weaknesses or loopholes found there.

Yellow-Roadway Management :

Do They Think They Own Our Union?

Yellow road drivers in the Midwest and Northeast are frustrated and angry. "Since they employ about 35,000 Teamsters at Yellow and Roadway, they think they have the union bought," one driver told us.

Drivers report deterioration in job protection and working conditions, and little response from the union. Stewards and members are frustrated and in some cases they give up, because the grievance procedure isn't working.

Bids are being destroyed. What happened to the practice of 60 percent of runs bid in the Central region? In Detroit 12 of 42 road drivers have a bid. The former layover bids to Indianapolis and Chicago

are gone.

Primary lanes have become "shared lanes" making it damn hard to file grievances to protect work. Cleveland drivers are sent into Eastern end-of-line terminals with empty trailers, but the company now claims they can still use foreign power courtesy, pitting Teamsters against each other. Yellow is dispatching drivers through and over other domiciles. Seniority is being undermined. More ABC dispatches are being used all the time.

Drivers moved into West Virginia in the recent change of ops only to find that the work supposedly moving in went elsewhere, and drivers were already on

layoff in West Virginia.

Where's the union response? If there remains none, these conditions will only worsen and spread. The IBT Freight Division is MIA in this battle. It's up to

Teamsters to build a network of drivers and stewards to work together to fight back. The TDU Convention is a good place to start.

We've got problems in freight. The "hours of service" rules, all those non-union carriers, and winning our grievances are just a few I see.

"TDU is the best place I've found to learn what we can do. I look forward to seeing old friends and meeting new ones at the convention in Cleveland this year."

*K.W. Phillips, Roadway
Memphis Local 667*

**Calling All Freight Teamsters**

Attend the 2004 TDU Convention!

Freight Teamsters from across North America will be in Cleveland, October 22-24 to discuss the state of our industry.

Join us for discussions and workshops on topics like:

- Enforcing the NMFA and Winning Grievances

- Changes in the Hours of Service Regulations

- Enforcing Safety Rights

- Protecting Our Pensions

- Yellow-Roadway and the attack on Teamster job rights

- Organizing Our Non-Union Brothers and Sisters

Industry experts as well as informed freight Teamsters will be on hand to share their knowledge and experience at workshops and a special freight jurisdiction meeting.

Be there!

Hours of Service Regs

Ever think about asking drivers?

Transport Topics

FMCSA Decision

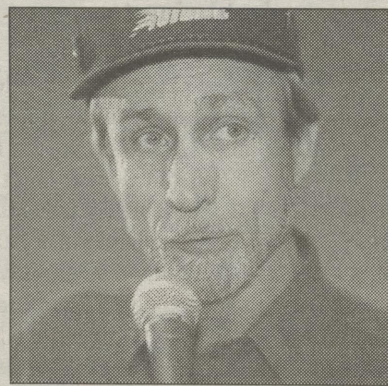
The U.S. Court of Appeals in Washington, D.C., has issued a 3-0 decision that the hours-of-service rules are no good for driver health and the motoring public's safety (7-26, p. 1). Good for the judges.

I am in total agreement and feel the parties need to get back to the drawing board and devise new hours rules. Beyond being fair and acceptable for all parties — including demonstrating respect for drivers' ability to make a living — a new HOS solution should increase highway safety and reduce accidents, injuries and fatalities.

At least three other items need to be addressed when considering new, workable HOS rules:

1) *Driver's quality of life.* Promote workable and fair time off away from the truck for personal needs such as dental and doctor appointments, family time beyond just a short weekend, national holidays, etc. Does management work on July 4th?

2) *Devout religious beliefs.* There are many potential drivers who will not enter the industry because of their personal beliefs that they should be in a house of worship on a given day. The vast majority of the



these potential drivers because of the operational demands of shippers. This flaw needs to be addressed.

3) Eleven hours driving a truck without quality rest is too long and too much to ask of a worker in any industry, no matter what the pay and benefits. A "quality job" should not be so demanding. Ever think about asking drivers what they wanted?

Dennis Anderson
1977 Ohio Twin-Trailer Driving
Champion
Teamsters Local 413
Columbus, Ohio

For additional coverage
on Hours of Service
Regulations, see page 8.

Freight Lines

Union Settles CF WARN Act Case

The IBT and Consolidated Freightways (CF) in early August settled the WARN Act lawsuit arising out of the sudden shutdown of the company on Labor Day 2002. About 15,000 Teamsters lost their jobs in the "Labor Day Massacre." The WARN Act requires 60 days notice for a closure or 60 days pay and benefits.

For most CF Teamsters, that would amount to about \$12,000 (\$9,000 in pay and \$3,000 in pension and H&W benefits). The IBT settled for about \$3,000, a quarter of what Teamsters were owed. Most of that sum will go to wages, and about \$1,000 to Teamster benefit funds.

IBT attorney Fred Perillo explained that a trial could have delayed payment for years, so he said this is a "reasonable settlement" providing "significant cash" to CF Teamsters.

Yellow Issues "Policy Guide to Workplace Conduct"

Over the last couple of months, Teamsters at Yellow have been given and, in some instances, asked to sign for a new company manual on "respect." It's Yellow's book on workplace conduct. What's odd is that in the whole booklet there's no mention of our union contract. Cleveland Local 407 issued a letter, after members requested action, stating that the International says Teamsters do not have to sign for the book, and that a signature does not indicate the employee acknowledges that he/she must comply with everything in the book.

Will Former Red Star Teamsters Meet Holland "Criteria"?

USF RedStar is dead but could well live on as USF Holland in the northeast. Freight Director Tyson Johnson and the IBT made an agreement with Holland over the (re)hiring of RedStar Teamsters. These brothers and sisters are supposed to get the first crack at jobs in eight newly established Holland terminals. USF RedStar union members will be hired (as new-hires) in seniority order if they pass the "Holland criteria." It's unclear exactly what the criteria are and whether or not these are fair policies.

Is management going to use the "criteria" to weed out good Teamsters or people who have had injuries? The Hoffa administration played their part in bringing about this problem. Now how about some answers and protections for these Teamsters?

Is Local 728 Policing the Side Deal with Yellow?

After a contentious debate over a "letter of understanding" negotiated by Local 728 President Waymon Stroud, Teamsters working at Yellow in Marietta, Georgia, ratified the agreement in November 2003. The deal allows Yellow to shift work to non-union cartage companies "in order to provide the most cost-effective service for (12) customers and residents." The customers include Kroger, Unisource and Home Depot. The letter calls for a monthly review by both parties. It also remains in effect so long as no employees on the dock/city or office seniority lists are laid off. The agreement is also contingent upon the company replacing any retiring employees within a reasonable amount of time. Yellow must provide copies of trailer manifests to the steward (upon request) on any load given to a cartage agent. Reports from members indicate that neither Waymon Stroud nor anyone representing Local 728 is monitoring the deal.

Grocery Bag

Supervalu Tacoma Lays-Off Over 200 Teamsters

Supervalu is laying off over 200 drivers and warehouse workers at its Tacoma distribution center, members of Teamsters Local 313 and 117. The cuts come after Supervalu lost its account with Haagen/Top Foods to Associated Grocers. Supervalu is taking advantage of the layoff to attack members' working conditions. A contract extension through May 1, 2006 of the Supervalu Tacoma agreement has been ratified that introduces an activity-based compensation system for drivers (as opposed to hourly pay), which members had beat back in previous agreements. It also provides that members who transfer to the Supervalu Spokane distribution center will be considered new hires for everything other than vacation and sick leave.

Teamster Warehouse Top Ten

Ever wonder which grocery distributors are Teamsters? Here are the ten grocery/warehousing companies with the largest Teamster membership:

- 1) Costco - 13,000 Teamster members
- 2) Ahold (including Stop & Shop and Giant) - 7,800
- 3) Sysco - 7,000
- 4) Albertsons - 6,500
- 5) Kroger (including Ralph's and Fred Meyer) - 6,500
- 6) Safeway (including Von's and Dominick's) - 5,800
- 7) Supervalu - 4,500
- 8) Gate Gourmet (air-line food servicing)- 3,500
- 9) Norpac - 3,200
- 10) Tibbett & Britten (a third-party logistics supplier)- 3,100

This leaves a lot of room for Teamster organizing. For example, Costco has 93,000 employees. Only 13,000 are currently Teamsters.

Ralphs Illegally Rehired Strikers to Scab During Lockout

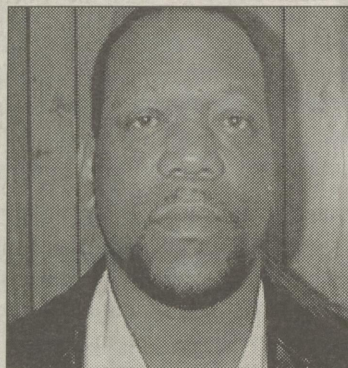
The U.S. Attorney's Office is investigating Ralphs Supermarkets for rehiring locked-out workers under false names and Social Security numbers to scab during the 141 day grocery strike and lockout in Southern California. Ralphs reportedly tried to reach a monetary settlement with the U.S. Attorneys office but was turned down. In a letter to employees, company president John Burgon says "Some members of Ralphs management did violate company policies and encouraged or permitted some locked-out employees to work during the strike." Management is reportedly trying to head off the investigation by suspending five regional supervisors who they claim were responsible for the illegal hiring.

"Local 952 members want better contracts and stand-up representation.

"I'll be coming to my first TDU Convention this year.

"I want to talk with fellow Teamsters and labor experts about building Teamster power in the grocery industry and building stronger locals that stand up for all Teamster members."

*Chuck Robinson, Albertsons
Local 952, Orange County, Calif.*



TDU Investigation:

'Follow the Money'

It's been two years since the largest dues increase in Teamster history went into effect, with a promise of "Teamster power" from the \$140 million increase per year.

The International Union in particular got a huge increase, almost doubling its income; the locals got a lesser boost.

Did Teamster power take a leap forward? Have we organized new industries and led new campaigns to build our union? Won better contracts through strategic campaigns and successful strikes?

And what's been the impact of the

dues hike on the salaries of top IBT officials?

In the next issue of *Convoy Dispatch*, we will present the "\$100,000 Club", a carefully researched study of Teamster officials' salaries. We print the truth: the good, the bad, the ugly.

You'll have the facts to make your own decisions.



International Solidarity Boosts Contract Campaign at Tyson Foods

The campaign by Local 556 Teamsters to win a decent contract at Tyson Foods has gone international.

Japanese unions, consumer groups and health and safety organizations are supporting Teamster members in their fight for safer working conditions at Tyson's 1,800-worker plant in Pasco, Wash.

Tyson is the world's largest meat company; Japan is Tyson's most important export market. But Japan has closed its markets to Tyson beef since the first U.S. case of mad cow in February.

Negotiations continue between the U.S. and Japanese governments on what steps corporations like Tyson need to take before Japan will reopen its market.

In the meantime, meatpacking Teamsters like Rafael Aguilar, who works in the slaughter department in Pasco, are working fewer hours and earning less money.

Aguilar joined Local 556 President Melquiadez Pereyra on a delegation to Tokyo to reach out to consumers, unions and government officials.

"We made it clear that we want Japan to allow the company to export to Japan again. But we also want Tyson to respect

regulations that protect worker and consumer safety," Aguilar and Pereyra said.

Aguilar and Pereyra held a press conference at the Ministry of Agriculture and invited the Japanese government to send a representative to come to Pasco and talk directly with workers about what could be done to improve food safety.

"Japanese consumers and the media were shocked to hear about the conditions in Pasco," they said.

Unions and consumer groups responded by sending letters to Tyson and planning other activities in Japan to pressure Tyson to improve safety, working conditions and food safety.

For example, a group of Japanese unions are planning a demonstration at Tyson headquarters next month.

Organizations that agreed to help Local 556 win a better contract include the Consumers Union of Japan, the National Network of Slaughterhouse Workers, the National Union of General Workers, Federation of All Japan Foods & Tobacco Workers, the All United Workers Union, the Japan National Confederation of Farmers and others.

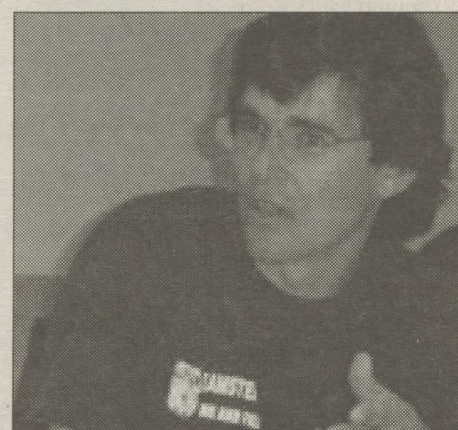
How does Convoy reach Teamster readers? Informing Members, Building Reform

"We're working on improving our Convoy distribution in Minnesota. Our TDU Chapter gets 1000 copies every month. I have half a dozen people who each take part of our bundle. Then we split up worksites.

"We try to put a small stack in a break room, then come back a week later and put out another small stack. That way we can get the word out to as many people as possible.

"It's a challenge to make time to get Convoy out there, but the information in Convoy is worth it. These are stories you won't get anywhere else—about the International, local unions and the reform movement. It's exciting news, and a great resource. Every Teamster needs to see this."

*David Kremer, University of Minn.
Local 320, Minnesota*



Every month, *Convoy Dispatch* reaches nearly 100,000 Teamsters.

The vast majority of readers get their copy from a fellow Teamster, like David Kremer.

Kremer volunteers his time and cash to spread information to the rank and file.

TDU leader beats boss and wins more than \$20,000 in backpay

Fired Bus Driver Returning to Work

TDU activist Jona Fleurimont is returning to work with full backpay at Consolidated Bus Transit—after beating his boss in arbitration, state court, and finally in a National Labor Relations Board settlement.

Fleurimont is a member of the TDU International Steering Committee, our movement's elected leadership.

CBT fired Fleurimont in January 2003 after he was elected steward and he organized with coworkers to enforce their contract.

Fleurimont and his assistant steward Jose Guzman won a landslide victory in the June 2002 steward's election over the incumbent steward, who was supported by both the company and New York Local 854 officials.

Working with TDU, Fleurimont and Guzman began organizing their coworkers to stop management from violating the contract by assigning extra-work without additional pay.

Management hit the roof when they saw their cozy relationship with the union threatened. According to former federal investigators, CBT owner Joseph Curcio used his mob connections to unionize under a sweetheart deal with corrupt Local 854 officials.

Management responded with threats,

intimidation, suspensions, and firings. Four activists were eventually fired for standing up for their rights.

Instead of supporting these members, the local union's leadership decided to side with the company. Local 854 President Danny Gatto has been charged by the NLRB with threatening and assaulting Fleurimont. The local's Secretary-Treasurer, Ann Stankowicz—as well as management—are accused of illegally interrogating employees about their union activities.

The company's case against Fleurimont was so see-through that it was rejected at every step in the arbitration and legal process. Arbitrator and former NLRB judge Robert Snyder ordered in September 2003 that Fleurimont be reinstated immediately. He stated in his award that Fleurimont had been fired because "By publicly and vociferously insisting on protecting existing wages and working conditions, by demanding respect... Fleurimont was a threat to the existing, relatively smooth relationship between the Employer and the Union."

Instead of respecting the arbitration award, Consolidated filed a petition in New York state court to have it overturned. The state court confirmed the arbitration award, ordering this June that

Fleurimont be reinstated immediately. Management still refused to comply.

TDU, which has represented the fired CBT workers before the National Labor Relations Board, filed a charge with the NLRB over the company's refusal to enforce the arbitration award.

As part of a settlement of that charge, management has finally agreed to reinstate Fleurimont with full back-pay. When the school year starts this September, Fleurimont will be back behind the wheel of a school bus at Consolidated Bus Transit.

"The boss said I would only come back over his dead body," said Fleurimont. "But I'm going back to my job with my head held high."

Many other charges, including those of the three remaining fired activists—Jose Guzman, Raymond Figueroa, and Juan Carlos Rodriguez—are still before the NLRB. The charges were the subject of a



"The boss said I would only come back over his dead body. But I'm going back to my job with my head held high."

*Jona Fleurimont, CBT
Local 854, Valley*

recently concluded 15-day NLRB trial. A decision is expected by late fall.

Leadership sets plans for fall and beyond

TDU Looks to the Future

TDU leaders met in early August to make plans for the TDU Convention, October 22-24 in Cleveland, prepare for local elections this fall, and talk about how we can set the IBT on a new course in 2006.

"The rank and file can't just sit back while our union's strength goes down the drain," said TDU co-chair Mike Ruscigno, a business agent in New York Local 802. "We can either let Hoffa drive our union over the cliff, or we can grab the wheel. It's up to the rank and file," Ruscigno said.

The challenges facing our union are daunting. Benefits are being slashed in the largest pension funds. Our power in freight and other core jurisdictions is eroding, and will continue to, until we have a real organizing plan in place.

UPS, the largest Teamster employer, is trying to weaken our union's power through new technology like Smart Label and initiatives like UPS Logistics.

The list could go on and on. No industry, no Teamster is untouched by the decline in our union's power. TDU is about building a movement to turn that around.

Next Steps and the Big Picture

The TDU Convention will look at what Teamsters can do today to reenergize our union, like building the pension movement, organizing for stronger con-



TDU leaders debate the future of our union—and how rank and file Teamsters can shape it.

tracts, running for local union office and enforcing shop floor rights.

But while grassroots organizing is key, real Teamster power can't be rebuilt in just one shop or one local.

We need to link rank and file mobilization on the local level with International leadership that will back members with bold plans and nationally coordinated campaigns.

"We need to start laying the groundwork now for 2006," said ISC member Frank Halstead, a warehouse worker in Los Angeles Local 572. "We're going to build our movement across North America so we're heard at the Teamster Convention and so we can send the Hoffa administration packing in 2006."

TDU is led by an 18-member International Steering Committee (ISC), which is elected each year at TDU's Rank and File Convention. The Convention also elects four ISC co-chairs and a TDU National Organizer.

Rail Teamsters rally to against understaffing Danger on the Rails

Fatigued and overworked crews could be driving trains loaded with explosives and hazardous chemicals through crowded urban areas, according to the Brotherhood of Locomotive Engineers and Trainmen—which recently affiliated with the Teamsters Union.

Seattle Local 174 is helping our union's newest members alert the public to the danger.

Volunteers, staff and the Local 174 tractor trailer showed their solidarity at a rally in Seattle called by the BLET.

BLET members explained that Union Pacific Railroad doesn't hire enough people to fill their train crews, and the existing crews are stretched dangerously thin.

Back-to-back-to-back 12-hour shifts are common, they said, and crews often have to wait several hours for transportation after they finish their shifts, prolonging their workdays even more.

"A fatigued train crew is an accident

waiting to happen," said BLET spokesperson Tom Frederick.



Seattle Local 174 shows solidarity at a rally on safety and understaffing on the nation's rails.

Photo by Tom Herriman, Local 174

Vegas Convention Industry Workers Organize for a Stronger Contract

More than six hundred Local 631 members voted resoundingly to authorize a strike if one is needed to win a decent contract at a July 21 contract meeting.

Convention industry employers have been dragging their feet in negotiations since the contract expired in May.

"This is a golden opportunity to right the wrongs of the past," Local 631 member Ed Lulo said after the vote.

In the last contract, the industry got a provision that allowed the diversion of wage increases into health and welfare plans. Members took a \$1.74 per hour hit as a result, costing them thousands of dol-

lars over the life of the contract. Also lost were seniority rights over work calls.

Meanwhile, industry giant GES Convention and Event Services saw their operating profits rise by 23 percent in 2003 alone.

The meeting turnout and strike vote sent a strong message to the industry and to the local 631 leadership that members are sticking together.

A major clothing show is due in town in late August, giving members considerable leverage and the employers another incentive to come across with a good contract.

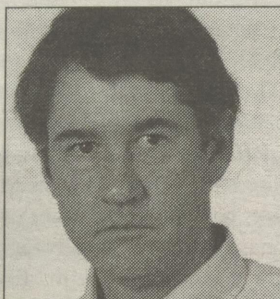
Q&A with Paul Taylor:

What's Next for the 'Hours of Service' Regs?

What does the Court of Appeals decision setting aside the new hours of service mean? And what will employers and the DOT try next?

To find out, *Convoy Dispatch* spoke with Paul Taylor, a leading attorney for truck drivers with substantial experience defending drivers' safety rights against employer retaliation.

Taylor will be a speaker at the TDU Convention. He can be reached at the Truckers' Justice Center at 952-224-9166.



What happened with the new 'Hours of Service' rules?

The D.C. Court of Appeals set aside the Federal Motor Carrier Safety Administration's (FMCSA) new hours of service rules on the grounds that they are arbitrary and capricious. The Court found that the agency decision promulgating the new rules failed in their entirety to consider driver health.

The concerns the Court had with the Hours of Service Rulemaking decision, in addition to the failure to explain the impact of the rules on driver health are: (1) the increase in maximum driving time from ten to eleven hours; (2) retention of the split sleeper berth rule; (3) the failure to seriously consider on-board recording devices; and (4) the 34-hour reset provision.

It is very uncommon for a Court of Appeals to set aside agency rules on the grounds that they are arbitrary and capricious. The fact that it is extremely rare highlights the incompetence of the

FMCSA in this decision-making process. The agency ignored driver health and caved in to corporate interests.

What's the next step?

The Court has "stayed" its mandate for 45 days to allow the FMCSA to pursue other legal options.

The agency could petition for the entire court to rehear the case "en banc." This is very rare and I suspect the agency will not try this. They may try this but only as a stalling tactic since courts rarely grant rehearing.

They could issue a new decision, with the same rules, explaining how the rules address driver health. This is unlikely.

They could petition the U.S. Supreme Court to review the lower court decision. I doubt this will happen.

They could ask the Court to stay its decision while the FMCSA pursues one of the above options.

They could do nothing within the 45-day period, which means the old rules

Will DOT, Employers Use Congress to Reverse Court Victory on Hours of Service?

As of mid-August, the Department of Transportation has not made a decision on what to do in response to the court decision decisively striking down the new Hours of Service regulations. But we have learned that they, along with corporate allies, may seek to get Congress to reinstate the regulations struck down in court.

The American Trucking Association (ATA) is going to ask the court for a stay of its decision, and it is possible the Federal Motor Carrier Safety Administration (FMCSA) will also. It is not expected that they will get it, but it could buy them time.

There is mounting concern that they could attempt to get Congress to quickly pass legislation to direct that the discredited regulations stay in effect while the FMCSA studies the issue. The ATA intends to produce a "study" on how much it will cost carriers to switch operations to the old hours of service. But that is beside the point: the regulations were struck down because they failed to consider drivers' health, and the negative changes in the regs were not supported by studies on highway safety.

Any such corporate move to overrule the court decision in Congress needs to be fought and defeated, starting now, even before it gets off the ground.

would be reinstated. This would only be "temporary" since Congress ordered the agency's predecessor in 1995 to issue new HOS rules.

Where is all this headed?

I suspect we will go through the procedures that were undertaken before, and at the end of that process the FMCSA will propose a new set of rules. The timeline will probably be much shorter than last time (8 1/2 years) because much of the evidence that the FMCSA ignored has already been submitted.

The new rules will have to address: The sleeper berth exception; shortening

driving time from 11 hours; eliminating the 34-hour reset; mandating on-board recording devices on trucks manufactured after a particular date in the future.

I also suspect that after 45 days (in September), the industry will revert to the pre-2004 hours of service rules but they will only last about two years as the new process establishes a new set of rules.

However, FMCSA and its corporate allies have one potential ace in the hole. They could ask Congress to enact emergency legislation which would, in essence, codify the new hours of service rules or keep them in effect until new rules are issued. [See box above.]

Rank & File Go to Court

Members Demand Financial Data from Central States Fund

Interview with Plaintiff Tommy Burke

Rank and file Teamsters have gone to federal court to pry loose financial data that will reveal the true condition of our Central States Pension Plan.

Three Teamsters, represented by Paul Alan Levy of the Public Citizen Litigation Group, have filed a motion to intervene in the Fund's consent order case.

They're fighting to get public court documents that will show what fund trustees knew about current inadequate funding, and what can be done now as an alternative to the drastic cuts.

Both Hoffa and the Central States fund trustees have stonewalled repeated requests by union members for financial information relating to fund performance and policies.

So the pension movement has gone to court to get the facts.

Represented by Levy, Teamsters Tommy Burke, a United Parcel driver in North Carolina Local 391, Michael Brady, a dispatch clerk at Roadway Express in Toledo Local 20, and Brent Lindberg, a United Parcel feeder driver in Minnesota Local 638, filed a motion to intervene in federal court in Chicago on July 15.

A decision could come as soon as early Fall.

In late 2002 Hoffa said he would hire an independent actuary to review the fund's failure to deliver on his promises, but has refused to release any results.

We spoke with one of the courageous Teamsters helping to lead this fight, Tommy Burke. Brother Burke, a UPS driver in Fayetteville, North Carolina, has 37 years in the Central States Fund.



"We deserve information about our benefits. Apparently, they have something to hide."

Why are you suing the Central States Pension Fund?

We deserve information about our benefits. For them to refuse to give us the information we need is a slap in the face, an insult. They make huge cuts then refuse to provide the financial information they used to determine the cuts were supposedly needed.

Worse yet, they out-and-out lied to us. After UPS contract negotiations they said our benefits were protected and this was the best contract ever. They told freight and carhaul members the same thing, nearly a year later.

We need to show them this issue will not go away, that we will keep the pressure on until benefits are restored.

If our lawsuit is successful we will have the financial information we need to do an independent actuarial study. Then all participants in the fund will finally be able to see for themselves whether or not the cuts were justified.

Why won't the fund and Hoffa release the information?

Apparently they have something to hide, that is the only thing I can think of.

And it makes me believe more strongly that there were alternatives to the cuts.

What should concerned Teamsters be doing now?

We need everyone to get involved in the pension improvement fight, especially younger and lower seniority people. They have the most to lose, and to gain, depending on how you look at it.

September, with union meetings starting up again, is a good time to get back in there and demand to know what's being done to restore the benefits. Local elections are critical. We need officers who are willing to step up to the plate on this issue, not hide in the weeds.

How do you think members are feeling about the cuts now that time has passed?

A lot of members are still angry. We need to get them involved. Some members in the south are threatening to get out of the union. We need to provide a positive alternative—to use our rights as union members to organize for change. I really believe the whole Hoffa executive board is going to be voted out of office in 2006 because of these cuts.

Victory means larger monthly checks for thousands of Central States retirees

Pension Movement Wins on UPS Reciprocity

The pension justice movement has won an important victory for UPS Teamsters in the Central States Pension Fund. After refusing for 2 years to respect language in the 2002 UPS contract, Central States has now agreed to fully credit members for years they worked as part-timers.

This will mean earlier retirement and larger monthly checks for many Teamsters who have worked as both part-timers and full-timers at UPS.

Agreement Broken

Central States and the UPS Pension Plan have long had a reciprocity agreement that let members combine years worked in both plans when calculating their retirement benefit.

For example, if a member had 10 credited years as a part-timer in the UPS Plan and 20 credited years as a full-timer in Central States, they could retire with a pro-rated 30-and-out benefit.

The 2002 UPS contract provided that members would be given a full year of pension credit in the UPS Pension Plan for any year in which they had worked over 750 hours as a part-time employee, nine-months credit if they worked between 501 and 749 hours, and three-months credit if they worked between 375 and 500 hours in the year. An age-25 requirement for earning pension credit was also eliminated.

The UPS Pension Plan lived up to this part of the agreement, but the employer and union trustees at Central States refused. Central States said they would not credit members for their part-time years unless the UPS Plan went back to calculating benefits the old way. In other words, they wanted UPS to violate the

2002 contract.

UPS Teamsters who wanted to retire got caught in the crossfire between Central States and UPS. When they

"If it had not been for TDU helping a guy like me make a lot of noise, this would not have happened."

*Kevin Bowman, UPS retiree
Local 100, Cincinnati*

would write to ask for an estimate of benefits, instead they would get letters from both sides pointing the finger at one another.

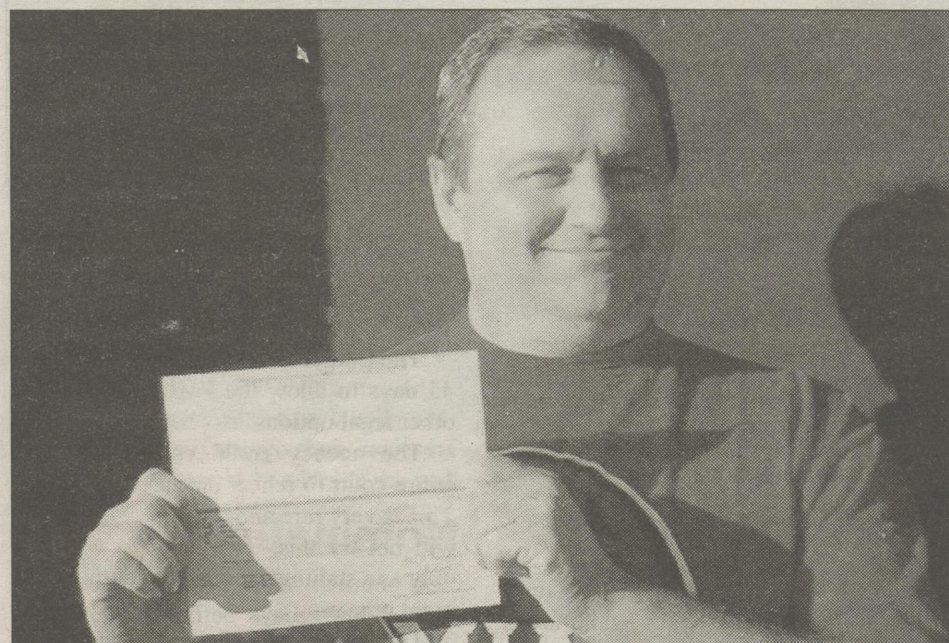
Member Pressure Wins

Some of these Teamsters contacted the Central States Pension Improvement Committee (CSPIC) and TDU.

TDU and CSPIC included these members' concerns in our movement for pension justice. The publicity generated by TDU and CSPIC - and the threat of legal action - increased the pressure on Central States to settle the matter.

Kevin Bowman, who retired from Cincinnati Local 100 in February, took a leading role in the campaign to get Central States to respect the reciprocity agreement.

Bowman started as a part-timer at UPS when he was 17 years old. He kept at Central States to give him straight answers and pursued his appeals as high as he could with the Central States trustees. He also called on the IBT to



Kevin Bowman, Local 100 retiree, with a check from the Central States Pension Fund to compensate him for pension benefits he had been shorted. Bowman and other UPS Teamsters will get bigger monthly pension checks as a result of pressure put on the Fund by our pension reform movement.

intervene and help enforce the contract.

Because of his good work and that of other Teamsters in the pension movement, Bowman will be receiving a big hike in his monthly pension check.

Before the change, his monthly pension check was \$2,000. With it, he will now get just under \$2,500 a month. Central States also gave him a one-time \$2,875 check to cover what they owed him for the months since he retired.

"If it had not been for TDU helping a guy like me make a lot of noise this would not have happened," says Bowman. "It shows that people going to meetings, throwing money in a bucket, and working together can make a differ-

ence."

Many other UPS Teamsters and their families will also benefit from this win.

"My husband and I fought Central States for almost a year to get the benefits they owe him" says Brenda Kelley, wife of Lexington Local 651 member Jim Kelley. "We filed all our appeals with Central States and even consulted an attorney. But it took getting involved with TDU to win this change. Jim is now looking forward to retirement."

Central States Teamsters need to bring the same kind of unity and pressure to bear on Central States and the IBT to win back the benefits that were taken from us last November.

CSPIC makes plans for pension workshops and strategy meetings at TDU Convention

Pension Reform at the 2004 TDU Convention

► **Meet with attorneys** handling the reemployment rule and access-to-information cases and get reports on their progress.

► **Hear from benefit fund experts** on what can and should be done to protect and improve Teamster benefits.

► **Discuss plans and strategies** to pressure the Central States Fund to restore pension and health benefits.

Larry Macdonald CSPIC Steering Committee Yellow, Local 728, Atlanta

Like many other Teamsters, I was shocked when Central States slashed our benefits. If the fund or the IBT thought we would just "get over it" with time, they were dead wrong. Members are still angry and still want the trustees held accountable.

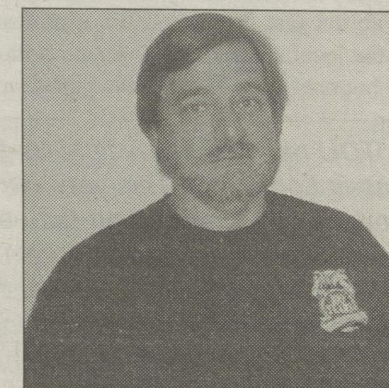
One way to hold Central States' feet to the fire is by continuing to build the Central States Pension Improvement Committee.

CSPIC will hold a national meeting at the TDU Convention on October 23 in

Cleveland.

There will be much to discuss. In July we filed a lawsuit to get the fund and the judge overseeing the fund to make financial reports available. That legal action will make it into court during the fall. We need to make organizing plans for the next stage of the campaign and discuss ways to keep the pressure on the fund.

And we need to look down the road and set plans for winning long-term accountability from the fund. There will also be workshops and meetings at the convention about the 2006 Teamster election and IBT Convention and delegate elections that will lead up to the vote.



Every Teamster who has supported the pension campaign should make plans to be at these very important meetings.

How to Get an Honest Local Union Election

Teamsters will be thinking about more than one election this fall. Apart from the U.S. Presidential election, many Teamster locals will be holding elections to select their local officers. Running for office is one way to make positive change in our union.

The number one priority of members who want to win office should be outreach to members: through plant gate visits, phone-banking, flyers, and mailings.

TDU has 27 years of experience with local elections. Contact us for help.

In one important way incumbents and challengers are in a very different position: incumbents run the election. They set the rules and dates, control the mailing list, and have access to all the information at the union hall.

Rank-and-file challengers need to take steps to level the playing field and safeguard their election.

Equal Treatment

The rules regarding Teamster elections are set by your local bylaws, the IBT Constitution, and a federal law called the Labor-Management Reporting and Disclosure Act (LMRDA).

Under the LMRDA, all candidates must be treated equally. For example, if the incumbents use the union's membership list to do phone-banking, then challengers must be given the list also. If an employer lets one slate campaign at its facility, other slates must be allowed also.

No slate can use union resources to advance its candidacy. For example, candidates can't use the union newsletter to promote themselves unless all candidates are given equal access.

Local union staff are not allowed to use union resources to campaign. (However, staff can engage in limited campaigning on work time if it is "incidental" to regular union business.)

When the union or an employer gives the other side an advantage, demand the same treatment. For example, if the incumbents walked the dock campaigning, ask management if you can campaign there too. If no, protest promptly.

Election Protests

If the election rules are violated, you have to act fast. You must file a protest with the local's Secretary-Treasurer within 48 hours of knowledge of the violation.

But isn't it a waste of time to file a protest with the local administration if they are the ones who violated the rules? No. The law requires that you exhaust all your internal union remedies. It is important that you follow all required steps or you will not have legal recourse later.

Eligibility

The Teamster Constitution requires that members pay their dues on time for 24 months prior to nominations to be eligible to run for office. If you are off work on lay-off or injury, pay your dues on time directly to the union hall. If you miss a month's dues or pay it late within the two years before nominations, you will be ineligible.

Each member who might run on your slate should write the local's Secretary-Treasurer and request verification that they are eligible.

Nominations

A nominations meeting must be held at least thirty days before the election. Each of your candidates must be nominated and seconded by members in good standing. This means that they must have paid their dues for the month prior to the meeting.

Membership List

The union has to let you inspect the complete membership list at least once within thirty days of the election. They don't have to let you copy it. Check the union's list against any lists that you have generated on your own (for example, through petitions). This can help you identify inaccuracies in the eligibility list.

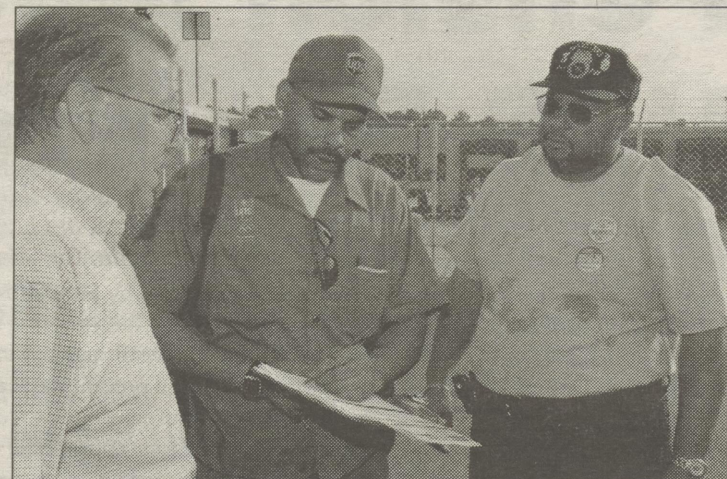
If you suspect that the incumbents have copied the membership list for the use of their campaign, file a protest. If they use the list (for phone-banking, for example), they are required to let you use it also.

Worksite List

The union does not have to give you a list of worksites in your local, but there are other ways to get this information. The union is obligated to let you inspect all the contracts it has, at the union hall, including contracts with companies other than your own. Make a list of the companies and scan each contract to see if it

Randy Brown (left) talks to UPSers in Georgia Local 728 about the Members First Slate's plans for a stronger union.

Successful reform candidates prioritize reaching out to members.



lists addresses for different facilities. Contact TDU for more information on this matter.

Mailings

Members who are running for office have the right to do mailings to the union membership at their own cost. You can also do targeted mailings to sub-groups, such as a mailing to stewards, to outlying zip codes, or to workers at one employer. The union cannot censor your literature or require that you show it to them in advance.

The local must provide mailing labels, and can either have the office staff or a mailing house do the mailing. Beware of the union trying to charge you excessive rates. They can only charge you for "reasonable" costs. Contact TDU for ways to reduce postage costs.

Don't wait until the last minute to plan mailings. Early on, request from the union in writing details about the procedure for mailings. You can even do mailings prior to nominations.

Observing the Vote

Notify the local union that you intend to have observers present at all stages of ballot preparation, handling, mailing (or walk-in voting), and counting, and that you want advance notice before any of these occur.

Review the ballot and election materials before they are printed and mailed to make sure they are correct. Get a written record of how many ballots are printed and mailed. Make sure all ballots, including damaged and returned ballots, are accounted for.

Mail-Ballot Elections

It is very important to get confirmed in writing the date the ballots will be mailed out. You need to time your whole campaign around this date, and get your campaign mailing out so that it arrives at members' houses just before or with the ballot.

You have the right to be present when-

ever ballots are picked up from the mail, including undeliverables. Request in writing that you be given advance notice, and try to always have an observer present.

Once the ballots are mailed, be on guard against ballot collection. That's when a candidate or supporter asks coworkers to bring ballots to work and collects them to mail in. Ballot collection is illegal, even if a member marked her ballot before it was collected.

After the Vote

If you win, the hard work starts soon. If you lost and believe there were violations, you must file a post-election protest within seventy-two hours of the end of the vote, with the Secretary Treasurer of the Joint Council your local belongs to. The Joint Council will then conduct a hearing. If it rules against you, you can appeal to the IBT Executive Board.

If the IBT rules against you, or if they don't issue a ruling within 90 days of the election, you can request an investigation by the Department of Labor. The DOL will not accept a protest if more than 120 days have passed since the election. Watch your deadlines.

The DOL will only investigate charges if you previously filed an election protest with the union over the violation.

TDU Can Help

As this article shows, you will need to request many things in writing from the union leading up to the vote. Sample letters are provided in TDU's book *Running for Local Union Office*.

TDU is your source of information on all aspects of Teamster elections, including election protests.

We encourage members to get involved in their union, including by running for office, so that we can build strong, democratic Teamster locals. Contact TDU early in your campaign for the help you need.

The book "Running For Local Union Office" is available from TDU for \$10. Order your copy today.

"TDU has helped us fight for fair elections in Local 743. This year our New Leadership Slate is going to beat the old guard and win our local election."

"We'll be at the TDU Convention in Cleveland—attending the Running for Local Union Office workshop and making plans to run a strong, democratic local. See you in Cleveland."

*Richard Berg, Local 743
University of Chicago Hospital*



The Inside Story From the Man Who Claims He Killed Hoffa

Corruption and the Fall of Jimmy Hoffa

Ken Paff, TDU Organizer

"I heard you paint houses." Those are the first words Jimmy Hoffa ever spoke to Frank Sheeran, who would become a top Teamster official in the 1960s and '70s as well as a hired killer for Hoffa and the mob. The words refer to the splatter of blood when the deed is done.

Hoffa hired Sheeran in that first telephone conversation as an "organizer," on the recommendation of Russell Bufalino, the Mafia boss of Pennsylvania.

I Heard You Paint Houses is Sheeran's story of his life with Hoffa and in the mob, as told in hundreds of hours of tapes to one of his former attorneys, Charles Brandt. There have been too many books on the mob and on the Hoffa era in the Teamsters, most of them terrible.

This one is worth reading. Sheeran was close to Hoffa, and gives an insider's feel for the intimate relationship of Hoffa and the Teamster leadership to the mob.

An Insider's Story

Hoffa created a local union for Sheeran: Delaware Local 326 was carved out of Philadelphia Local 107, with Sheeran installed as president. He was identified as a mob leader in the 1987

Book Review

"I Heard You Paint Houses"

Frank 'The Irishman' Sheeran & *The Inside Story of the Mafia, the Teamsters, & the Last Ride of Jimmy Hoffa*. By Charles Brandt.

Published by Steerforth Press, 2004.

RICO lawsuit against top Teamsters that led to the present-day consent order.

It's an easy book to read, and even fun, if that's an appropriate word for a book about murder and union corruption. Sheeran and Brandt (half the book is taken verbatim from the Sheeran tapes, the rest written by Brandt) don't romanticize the mob; to "The Irishman", it's just a business and the way he lives. He matter of factly describes killing three people in one day and then he "met up with Jimmy to give him the report."

There is considerable coverage in the book of Hoffa's trials. Hoffa was tried for taking payoffs from carhaul employers, and got a hung jury by bribing several jurors. His co-defendant was Bert Brennan, his business partner in the scams that sent him to prison. Brennan's



Jimmy Hoffa and Frank Sheeran, a former top Teamster official and close Hoffa associate. In *I Heard You Paint Houses*, a book published after his death, Sheeran claims he murdered Hoffa in 1975.

son Larry currently heads Michigan Joint Council 43.

Then Hoffa was tried and convicted in 1964 for the jury tampering, and also convicted by a Chicago jury of defrauding the Central States Pension Fund to line his own pocket in a Florida land scam. His appeals ran out in 1967 and he entered Lewiston Prison to serve a combined 13 year sentence.

The chapters on the trials show Hoffa as master strategist and as a brazen crook who used threats and bribes routinely. And they show that his famous ego could be his weakness.

Why Hoffa Was Murdered

James P. Hoffa, the current Teamster president, likes to say the mob killed his dad. It's half true. Mobsters killed Hoffa for sure, but Hoffa was a part of their operation.

Sheeran makes very clear who their victims are: they kill their own. Mainly they kill mob insiders who they fear have information that may be used against them.

Hoffa was too eager to get back into office, and they felt he would trade information in exchange for lifting the restrictions put on him to stay out of the union when Nixon pardoned him in December 1971.

Sheeran adds some details to what is already well-known about the corrupt relationship between Hoffa and the Nixon administration. Sheeran himself delivered a suitcase of money to the home of John Mitchell, the Attorney General who later went to prison himself for Watergate crimes.

After Hoffa left prison in 1971, Sheeran claims he was a changed man. More "puffing," as Sheeran calls it, about what he would do to whom, even though his power was gone. That "puffing" scared top mobsters; it made them think he would make a deal with the Justice

Department. That's why Russell Bufalino co-ordered the hit on Hoffa.

Sheeran believes the 1972 book by Kennedy aide Walter Sheridan played a role in the Hoffa murder. That book revealed that Hoffa had snitched to the FBI on Teamster President Dave Beck to help send Beck to prison and Hoffa into the Marble Palace. Bufalino and other Hoffa associates feared that once again he would turn FBI informant to get into the Marble Palace.

That's the FBI's view of the crime as well. Sheeran adds one new twist: that he himself, not Salvatore "Sally Bugs" Bruguglio, pulled the trigger on July 30, 1975. The other new tidbit is a Detroit home address where Sheeran says the Teamster president was killed. (The owner of the house now has a website, apparently shopping for his 15 minutes of fame.)

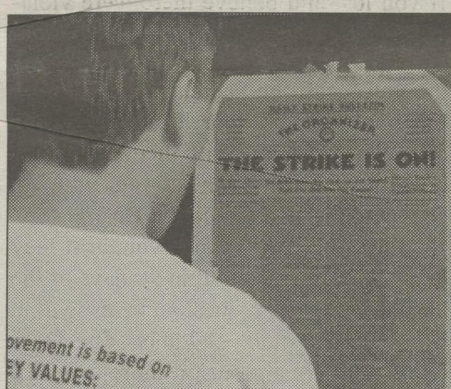
Whose Union Is It?

I spoke with Dan Moldea, author of *The Hoffa Wars*, the authoritative 1978 book on Hoffa and his era, about Sheeran's book. Moldea thinks Sheeran embellished the story by making himself the trigger man, but that otherwise there's a lot to learn from the book. It adds some details and intimate connection to Hoffa that only an insider can provide.

Teamsters interested in how the Teamsters Union became corrupted should read it. While mob influence in the Teamsters (and in the USA overall) is lower today, the culture created then lives on inside much of the Teamsters.

Hoffa became obsessed with saying of his former flunky and successor, Frank Fitzsimmons "It's not *his* union, it's *my* union."

The idea that the Teamsters belongs to any general president or official is a legacy of the mob era that Teamster members continue to struggle against today.



A street celebration of the Minneapolis Teamster strike featured a historical display designed by Minnesota TDU members (left). The next generation draws lessons from the labor struggles of yesterday as Siobhan Mulloy, 11, chalks "Fight back, unionize" on the sidewalk (right).



Remembering the Strike that Built Our Union

Celebrating History in Minneapolis

On July 24th, Minnesota unionists and other social justice activists held a day-long celebration of the 70th Anniversary of the 1934 Minneapolis Teamsters Strike.

In the summer of 1934, truck drivers demanding that employers recognize and bargain with their union shut down all freight and delivery traffic in and out of Minneapolis for weeks. "Flying squads" of picketers patrolled the streets, stopping all non-union deliveries.

Business, supported by the local police, cracked down violently. Two strikers were killed, and sixty-seven were wounded, when police opened fire on picketers. But the workers held

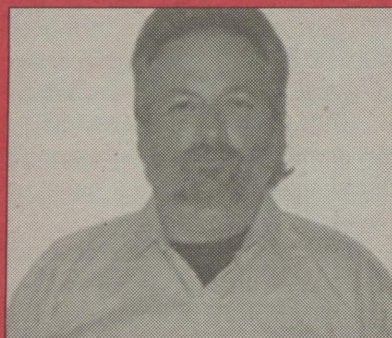
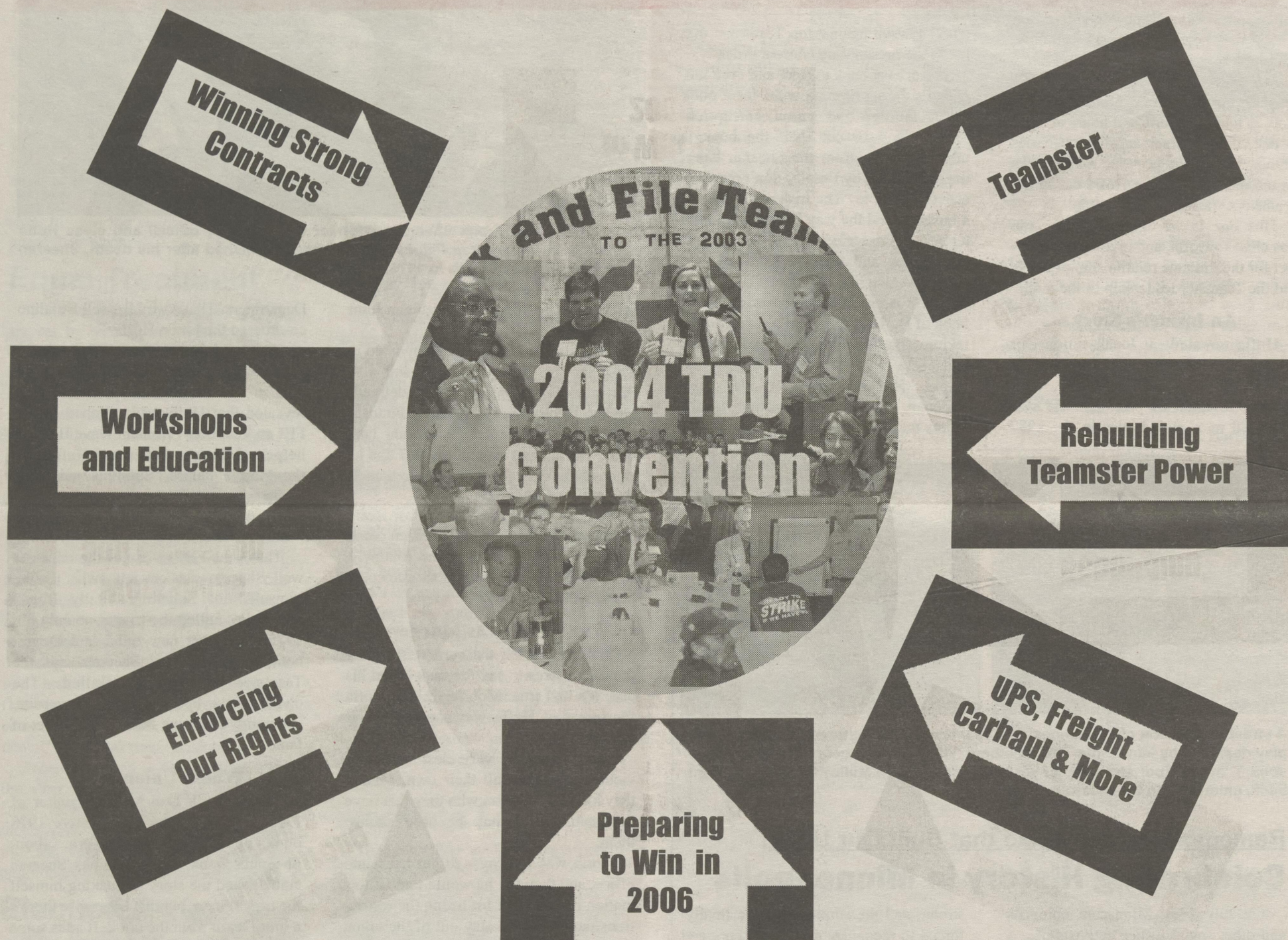
strong, and the employers were finally forced to recognize and sign a contract with the union.

The 1934 strike made Minneapolis a union town. It was also the start of wide-scale national Teamster freight organizing. The leaders of the Minneapolis strike used their base there to start organizing outward to other cities.

The July 24th anniversary commemoration was held at the location where striking Teamsters resisted attacks by the police 70 years before. The celebration included music and speeches as well as a historical display provided by members of Minnesota TDU.

Bring it All Together at the TDU Convention!

October 22-24, 2004 • Cleveland Sheraton Airport



"Last year I attended my first TDU convention to educate myself and fellow Teamsters as we were running for local office.

"This year, as the Secretary Treasurer of our local, I'll be back, to continue to share experiences, learn new strategies, and promote reform in our Teamsters Union."

*Cliff Baker, Secretary-Treasurer
Local 324, Salem, Oregon*